

★ APR 18 2007 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ARTHUR HELLER,

Plaintiff,

- against -

CITY OF NEW YORK, *et al.*,

Defendants.
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ORDER

06 CV 2842 (NG)(CLP)

GERSHON, United States District Judge:

Plaintiff objects to so much of the Report and Recommendation of Magistrate Judge Cheryl L. Pollak, dated January 7, 2008, which recommended denial of his motion to preclude from evidence his written statement to the police. I therefore have reviewed the issue *de novo*. Upon that review, I conclude that Judge Pollak's legal analysis was sound and adopt her recommendation. Plaintiff relies on a claimed Fifth Amendment violation as the basis for exclusion of the testimony. The Fifth Amendment affords no basis for excluding the evidence in this civil action. Therefore, the motion is denied.

SO ORDERED.

A.

NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
April 16, 2008